

A NEW
APPENDIX
TO THE
Modern Justice :

CONTAINING

Continuations of Statutes relating to Justices of Peace to the Year 1722. and the End of the last Parliament.

Particularly concerning the Customs, and Running of Goods, Robberies and Transportation of Felons, the Act prohibiting the Wear of Callicoes, the *Quarentine* Acts for Prevention of the Plague, the Act for preventing Forgery relating to the Stocks, and for the better Preservation of the Game, &c.

AND ALSO

The Manner of *Convictions*, for all kinds of Offences: And the *Discretionary Power* of Justices in all Cases, given by Statute.

With Proper *Precedents* under the several Heads.

By GILES JACOB, Gent

In the SAVOY:

Printed by E. and R. NUTT, and R. GOSLING,
(Assigns of Edward Sayer, Esq; for B. Lintot,
between the Temple-Gates. 1-22.

APPENDIX

0111111 100

A circular ink stamp from the British Museum. The outer ring contains the text "BRITISH MUSEUM" at the top and "10 APR 1853" at the bottom. The center features a heraldic shield with a cross and four lions, and the motto "HABITAT HIC" is inscribed on a ribbon below it.



The Manuscript of "The History of the County of Kent" by John Smith, Esq., is now deposited in the Library of the Society.

1914

APPENDIX

TO THE Modern Justice.

*Continuation of the
Statutes relating to
Justices of Peace, to
the Year 1722.*

The Statutes 6 George.

Bricks, Coals, Meal, &c.

BY 6 Geo. c. 6. it is enacted, That Carts for carrying Bricks, Coals, &c. in London Streets
no Person whatsoever shall carry
in the City of London or Westminster, or within ten Miles thereof,
Carts or Waggons having their Wheels
with Iron, at any one Load more
B 2 than

Quantities to be carried. than seven hundred and a half of Bricks

one Chalders of Coals; twelve Sacks of Meal, of five Bushels to the Sack; and two Quarters of Malt: And if any Person shall be guilty of a Breach of this Statute, he shall be liable to a Forfeiture of one of the Horses with the Gears, Furniture, &c. to any Person that shall seize the same, in such Manner as the Penalties are directed to be levied and applied by the Act 5 Geo. relating to Carriages drawn on the Highways.

Justices Power.

Oath is to be made of the Offence before a Justice of Peace, who on Conviction is to order the Forfeiture to the Seizor,

A Warrant to levy the Forfeiture for carrying more Coals than allowed by Law.

6 Geo.

Whereas Information hath been given on Oath this Day before me A. B. Esq. of his Majesty's Justices of the Peace for the County of Middlesex, by E. F. of the City of London, particularly, in the said City, travell'd with a Cart or Chaise, having therein for Loading one Chalders and a quarter of Coals, &c. contrary to the Statute made in the 6th Year of King George. These are therefore to command (the Constable) to deliver to the said Informer, for his sole Use, one of the Horses belonging to the said Cart, with the Gears, Bridles and Halters thereto used, by him the said E. F. seized as for a Forfeiture for the Offence afore-

acco

According to the Direction of the Statute.
Given, &c.

Distillers, Excise, Customs, &c.

THE 6 Geo. c. 21. ordains, That all Distillers, and Makers and Sellers of Brandy, and Strong Waters, or Spirits, are to make Entries of all Warehouses, and Brandy, &c. therein, at the next Office of Excise, under the Penalty of 20 l. and Forfeiture of the Liquors. And no Brandy is to be sold, but when the same shall be in the said Warehouses so entered, on Pain of forfeiting 40 s. per Gallon.

The Penalties on account of Brandy, &c. may be sued for by the Laws of Excise, and one Moiety goes to the King, the other to the Prosecutor. Where any Brandy shall be seized, as forfeited, by Officers of the Excise or Customs (except in Cases of Seizure for unlawful Importation, &c.) if such Seizure be within the Limits of the Excise Office in London, the same is to be determin'd by the Commissioners of Excise, and if it be made out of such Limits, then before any two Justices of Peace residing near the Place of Seizure, in a summary way; the Parties are to be summoned to appear, and on Appearance or Default, the Cause of Seizure is to be examined, and thereupon Judgment to be given, &c.

Entries to be made of Warehouses.

Under certain Penalties.

Penalties, how leviable.

Two Justices to determine on Seizures, &c.

A Summons for a Distiller to appear.

6 Geo.

Whereas Information hath been given to us A. B. and C. D. Esqrs. two of his Majesty's Justices of the Peace for the County of, &c. by E. F. Officer of Excise, the G. H. of, &c. hath made use of certain Warehouses in his Dwelling-house, for the keeping of Brandy without entering the same as the Law requires, and that E. has made a Seizure of Brandy, &c. there. These are therefore to summon and require the said G. H. to appear before us on, &c. when the Matter is to be examin'd into us, and Judgment given therein as the Law directs. Given, &c.

Resisting
Custom-
House Offi-
cers, Felony.

If any Officer of the Customs be hindered, wounded or beaten in the Execution of his Office, by any Persons armed with Clubs, &c. to the Number of Eight or more, such Offenders shall be transported for any Term not exceeding 7 Years; and if they return, they shall be guilty of Felony and have Execution awarded against them.

Baile of Counties.

Acts Perpetual.

SO much of the Act 10 Ann. for reviving and continuing several Acts as relates to the Building and repairing County-Gaols is made perpetual, by 6 Geo. c. 19.

And the Justices of Peace within their Justices to
several Jurisdictions may commit Vagrants, commit to
and other Criminals charged with small what Gaols.
Offences, either to the Common Gaol or
House of Correction, as they in their Judg-
ment shall think fit.

A Commitment of an Offender to Gaol.

To A. B. Keeper of the Gaol of, &c.

I herewith send you C. D. of, &c. con- 6 Geo.
victed before me of the Offence of, &c.
And I do hereby command you to receive
the said C. D. into your Gaol and Custody,
and him safely to keep until he shall be dis-
charged by due Course of Law. Given, &c.

Houses, Duties on.

Justices of Peace within their Limits, Justices to
have Power to appoint two Persons in appoint Col-
every Parish to be Collectors of the Duties lectors.
on Houses, whether their Names be or be
not presented by the preceding Collectors,
according to the former Statutes. 6 Geo c. 21.

And if there happen to be any Arrear Deficiencies
of the said Duties, by reason of the Fail- made good
ure of any Collector, for which the Parish by Reassess-
is answerable, the Justices are to cause the ment.
same to be reassessed on all such Houses as
are liable to the Duty, to be levied and
paid to the Receiver-General of the said
Duties.

*An Appointment by Justices of the Peace, of
Collectors of the Duties on Houses.*

6 Geo.

We A. B. and C. D. Esqrs; two of his Majesty's Justices of the Peace for the County of, &c. do hereby appoint E. F. and G. H. of, &c. to be Collectors of the Duties on Windows, in the Parish of, &c. for the Year ensuing, according to the Direction of the Statute in that Case made. And in case any Person shall refuse to pay the said Duties to the said E. F. and G. H. we do hereby empower them to levy the same by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing. Given, &c.

Malt Duties.

How Corn
to be wetted
and worked.

MAlsters are not to wet Barley or other Corn, making into Malt, on the Couch or Floor, or in any other Place but their Cisterns or Uting Fat, duly enter'd at the Excise-Office, under the Penalty of 2 s. 6 d. for every Bushel.

Penalty.

If they cause their Corn to be worked so as to acrease more than one Part in fifteen, the entire Wetting shall be charged with the full Duty of 6 d. per Bushel, without any Allowance, and the Malster Forfeited for every Bushel 5 s.

Penalties

the Modern Justice.

19

Penalties of Malsters are leviable by Justices Warrants.

A Warrant to levy the Forfeiture for wetting Barley on the Floor, &c.

Whereas A. B. of, &c. Gauger of Ex. 6 Geo. cise, hath made Information on Oath before us C. D. and E. F. Esqrs; Justices of the Peace for the County of, &c. that G. H. of, &c. on, &c. wetted or caused to be wetted forty Bushels of Barley, making into Malt, on the Floor in the House of the said G. H. and not in his Cistern duly enter'd, contrary to the Statute in that Case made and provided. These are therefore to command you to levy on the Goods and Chattels of the said G. H. the Sum of 5 l. which he hath forfeited by the Offence aforesaid. Given, &c.

Robbery, Felony, and Transportation of Felons.

THE Statute 6 Geo. c. 23. directs, that the Court before whom Felons shall be convicted, liable to Transportation, may nominate two or more Justices of the Peace to contract with any Person for the Transporting of such Felons; and cause the Felons to be delivered by the Gaolers to the Person contracting, &c. And all Charges about making Contracts, taking Securities, and conveying of Felons in order to Trans-

Justices to contract for Transporting Felons.

A New Appendix to

Transportation, are to be born by the Place for which the Court was held that order'd the Felons to be Transported.

Felons returning.

Rescuing of Felons delivered to be Transported, is Felony; and if any Felon who has been transported, shall be afterwards found at large in any Part of *Great Britain*, without lawful Cause, before the End of the Term for which he was Transported, he shall suffer Death as a Felon.

Streets, Highways.

The Streets of *London* and *Westminster*, and other Cities, Towns and Places, shall be deemed Highways as to Robberies.

Affaulting in the Streets, Felony.

If any Person shall maliciously assault another in the publick Streets or Highways, with Intent to tear, cut or spoil their Garments, he shall be guilty of Felony.

Timber-Trees, and other Wood.

Where Trees, &c. destroy'd, the Parish to make good.

BY 6 *Geo. c.* 16. If any Persons by Day or Night shall cut, throw down, bark, burn, spoil, or carry away any Trees, Woods, Wood-Springs, Thorns or Quick-Sets, without the Owner's Consent, or break open any Hedges, Gates, Posts, &c. of Wood-Grounds, the Owners shall have such Remedy and Satisfaction from the Inhabitants of the Place, as for Dikes and Hedges overthrown by Persons in the Night, by the Act 13 *Edw. 1.* Which Act ordains that the Parish shall be distrained to make good the Damage, if they do not indict the Offenders.

Where

the Modern Justice.

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Where any Persons destroy Wood, Timber, &c. the Justice of the Peace of the Place, or Justices in Sessions, on Complaint by any Inhabitant, or the Owner of the Wood, are to cause the Offender to be apprehended, adjudge the Offence, and inflict the Punishments in the Act 1 Geo.

Power of
Justices to
inflict Punish-
ment.

*A Warrant to apprehend a Person for destroying
Timber-Trees.*

Whereas A. B. Inhabitant of, &c. hath made Complaint unto me, That on &c. last, C. D. of, &c. did maliciously cut and spoil one Timber Tree belonging to him the said A. B. contrary to the Statute. These are therefore in his Majesty's Name to command you to apprehend the said C. D. (if he be to be found within your Parish) and that you do bring him before me or some other Justice of the Peace, in order to an Adjudication of the Offence, and awarding the Punishment which the Statute requires. Given, &c.

6 Geo.

The

The Statutes 7 George.

Buttons and Button-holes.

**Penalty on
the Wearers
of Cloth-
Buttons, &c.**

BY Statute 7 Geo. c. 12. it is enacted that after the 29th of September 1722. no Person shall wear any Clothes or Garments with Buttons or Button-holes made of Cloth, Serge, Drugget, Frize, Camblet, or any Stuffs, under the Penalty of forfeiting 40 s. for every Dozen of such Buttons or Button-holes.

**Justices to
determine:**

Any Justice of Peace where the Offender shall inhabit, or the Offence shall be committed, may summon the Party accus'd, and examine the Matter, and on Proof by the Oath of one or more Witnesses, or Confession, may determine the same, and cause the Penalty to be levied by Distress and Sale of the Offender's Goods; one Moiety whereof is to be disposed to the Person convicting, and the other to the Poor of the Parish.

**Exception of
Velvet, &c.**

But this Act is not to extend to Clothes made of Velvet: And all Prosecutions are to be commenc'd within a Month: Parties aggrieved by the Determination of any Justice of Peace, may appeal to the Quarter-Sessions, giving eight Days Notice to the Prosecutor.

This

This Act is to be taken as a Publick Act, and all Judges and Justices are to take Notice thereof.

A Warrant to levy the Penalty for wearing Cloth-Buttons, &c. on Clothes.

Whereas Information hath been this 7th Gen Day made on Oath before me A. B. Esq; &c. by C. D. of, &c. that E. F. within your Parish hath lately worn one Cloth Coat, with Buttons made of Cloth, contrary to a Statute in that Case made. These are therefore to require you to levy by Distress and Sale of the Goods of the said E. F. the Sum of, &c. the Penalty he hath forfeited by the Offence aforesaid pursuant to the said Statute, being after the Rate of 40 s. per Dozen for the Buttons so worn; one Moiety whereof you are to pay to C. D. on whose Oath the said E. F. was convicted of the Offence, and the other Moiety apply to the Use of the Poor of the Parish of, &c. Given, &c.

Calicoes, Drapery, &c.

IF any Persons shall (after the 25th of December 1722.) use or wear in any Garment or Apparel, any printed, painted, stained or dyed Calicoe, being convicted thereof by the Oath of one or more Witnesses, before a Justice of Peace, they shall forfeit the Sum of 5 l. to the Informer.

Forfeiture
for wearing
Calicoe, and
Prosecution.

A New Appendix to

Upon any Complaint, exhibited within six Days after the Offence, the Justice is to summon the Party accus'd; and on Appearance, or Contempt, to proceed to Examination of the Matter of Fact, and on due Proof cause the Penalty by Warrant under his Hand and Seal to be levied by Distress and Sale of Goods, &c.

Drapers, &c.
selling Calicoes.

If any Mercer, Draper, &c. shall expose to Sale any such Calicoe, or any Bed, Chair, Cushion, Window-Curtain, or other Furniture, made up or mix'd with Calicoe, (unless for Exportation) every such Person shall forfeit 20 *l.* and Persons using the same are liable to the same Penalty: But Calicoes which before the 25th of *December*, 1722. shall be made up in any Furniture, are exempted, provided the same be continued to be worn in such Furniture; and this Act shall not extend to such Calicoes as shall be died all Blue.

Penalty.

Penalties, how applied, &c.

One Moiety of all Penalties inflicted by this Act, where the same exceed 5 *l.* shall be to the Informer, and the other to the Poor of the Parish; and such Penalties as are not directed to be otherwise levied, shall be recovered by Action of Debt, &c. by any Person who will sue for the same, within six Months. 7 *Geo. c.* 7.

A Warrant to levy the Forfeiture for wearing of Calicoe.

7 *Geo.*

Whereas it has been duly proved (after the 25th of *December*, 1722.) before me *A. B.* Esq; one of his Majesty's Justices of the Peace, &c. by the Oath of, &c. that *C. D.*
on,

... &c. last did wear one Gown and Petticoat made up of printed Calicoe, not dy'd blue, contrary to a Law in that Behalf made, whereby she hath forfeited the Sum of 5 *l.* These are therefore to command you to levy of the said C. D. by Distress and Sale of her Goods, the said Sum of 5 *l.* and to pay the same to, &c. who inform'd of the said Offence, as the Statute directs. Given, &c.

Journeyman Taylors.

THE Statute 7 Geo. c. 13. enacts, That all Contracts entred into with or by or between Journeyman Taylors in *London* or *Westminster*, or within the Weekly Bills of Mortality, for advancing their Wages, or lessening their usual Hours of Work, shall be void; and every Person offending being convicted thereof, on the Oath of one or more Witnesses before two Justices of the Peace, shall be committed to the House of Correction or the Common Goal, for any time not exceeding two Months. Prosecution to be within three Months after the offence committed.

Contracts for advancing Wages, &c. void.

Taylors giving greater Wages than this Act allows, on Conviction shall forfeit 5 *l.* the Moiety to the Informer, and the other to the Poor of the Parish; and every Journeyman accepting the same shall be sent to the House of Correction for two Months. The Wages ascertained is 2 *s.* per Diem from

Penalty for giving more than allow'd.

**Wages and
Hours of
Working
ascertain'd.**

the 25th of *March* to the 24th of *June*, and
1 s. 6 d. *per Diem* the rest of the Year. And
the Hours of Work are from six in the
Morning till eight at Night; with an Al-
lowance of one Hour for Dinner, and one
Penny Halfpenny a Day for Breakfast.

**Justices
Power to
alter Wages.**

Justices within their Limits, at their
Quarter-Sessions, may alter the Wages and
Hours of Work, on considering the Plenty
or Scarcity of the Time; and all Taylor
and their Journeymen are to observe the
same on Pain of Imprisonment for any Time
not exceeding two Months.

**Journeymen
leaving their
Work, &c.**

If any Person retained as a Journeyman
shall depart from his Service before the End
of the Time agreed, or the Work for
which he was retained shall be finish'd; or
not being retained, shall refuse to work
the Hours for the Wages appointed, he
shall be sent to the House of Correction
and be kept at hard Labour for two Months.

**Wages for
Work, how
recover'd.**

Any two Justices on Complaint for Non-
payment of Wages may summon the Party
offending, and issue their Warrants for levy-
ing the Wages by Distress; and for want
of Distress commit the Offender to the
Common Gaol, there to remain till he give
Satisfaction.

Appeal.

Persons agrieved may appeal to the
Quarter-Sessions, giving six Days Notice, &c.

*A Commitment of a Journeyman Taylor refusing
to work for the Statute Wages.*

7 Geo.

Whereas A. B. of, &c. Taylor, hath
this Day made Oath before us C. D. and
E. F. Esqrs; two of his Majesty's Justices
of the Peace for the County of, &c. that

G. B.

G. H. a Journeyman-Taylor hath refused to work with him the said A. B. for the Wages appointed by Statute. These are therefore to command you to apprehend the said G. H. and convey him to the House of Correction, and to deliver him into the Hands of the Keeper thereof. Hereby also requiring you the said Keeper to take the said G. H. into your Custody, and cause him to be kept at hard Labour for the Space of two Months. Given, &c.

A Warrant against a Taylor for giving Greater Wages than allow'd.

Whereas Information hath been given on Oath by, &c. to us C. D. and E. F. Esqrs; &c. that G. H. of &c. Taylor, hath lately given to I. K. his Journeyman greater Wages than the Law directs, viz. above 2 s. per Day in the Month of June, &c. for the usual Hours of Working. These are therefore to command you to levy on the said G. H. the Sum of 5 l. which he hath Forfeited by the said Offence, pursuant to the Statute in that Case made, And that you do pay one Moiety thereof to, &c. the Informer, and the other Moiety to the Poor of the Parish of, &c. Given, &c.

C

Dug

Quarentine Act, for Prevention of the Plague.

Lazarets, &c.
to be pro-
vided.

Escaping
from them
Felony.

Lines to be
cast up about
Places in-
fected.

And Watches
to be ap-
pointed by
Justices.

BY 7 Geo. 6. 3. His Majesty is empow-
er'd to order Ships to be provided, or
Lazarets, for entertaining Persons infected
with the Plague, or obliged to perform
Quarentine; and Sheds, Tents, &c. for
opening and airing of Goods, in conven-
ient Places, on waste Grounds, &c. allowed
by two Justices of Peace, under their Hands
and Seals, paying a Consideration, &c. And
if any Persons shall refuse to repair to the
Place appointed, or when there shall escape,
the Watchmen may by any Violence com-
pel them to repair or return to such Place;
and such Refusal and Escaping is adjudg'd
Felony.

If any Place shall be infected, his Majesty
may cause Lines or Trenches to be cast up
about such Place, and prohibit all Persons
and Goods to be carried over such Lines;
and if any Person shall come out of the
Lines, without Licence, he shall be guilty
of Felony. Any two Justices next the Place
where any Ship shall be performing Qua-
rentine, or wherein any infected Place shall
be situate, may order the Inhabitants to
keep sufficient Watches by Day and Night;
who are not to permit any Persons or Goods
to depart out of the Lines, &c. Inhabitants
refusing to keep such Watch, and Persons re-
fusing to serve as Watchmen, being con-
victed

the Whorehouse Justice.

the same, as the Statute directs, that all Persons may take Notice thereof, and permit the said Ship and Persons to pass to, &c. without further Restraint or Molestation. Given, &c.

Or it may be thus:

We A. B. Customer of the Port of, &c. and C. D. and E. F. Esqrs; two of his Majesty's Justices, &c. Do hereby Certify that the Ship called, &c. lately arrived in the said Port, and the Cargo thereof have duly performed Quarentine, of which due Proof has been made before us by the Oaths of, &c. as the Law requires.

Soldiers, how quartered.

BY Stat. 7 Geo. c. 6. Constables, Tything-men, &c. are to Quarter Soldiers in Inns, Taverns, Livery-Stables, Alehouses, &c. as by the former Statutes. And further, if any High Constable, &c. shall receive or agree for any Money or Reward, to excuse any Person from quartering of Soldiers; or if any Victualler shall refuse to receive any Soldiers, and be thereof convicted by the Oath of the Constable, &c. before one or more Justices, in either of these Cases, a Penalty not exceeding 5 l. nor less than 40 s. is incurred, leviable by Distress and Sale, by Justices Warrant, (directed

Constables excusing, or Victuallers refusing Soldiers quarter'd.

The Penalty.

Accounts
given of
Soldiers
Quarter'd.

rected to any other Constable, &c.) to be applied to the Use of the Poor.

Any one or more Justices may command any High Constable, or other Constable &c. to give an Account in Writing of the Number of Officers and Soldiers Billeted by them, and of the Names of the Persons on whom Billeted, and their Signs, &c. to prevent Abuses in the Quartering of Soldiers.

A Warrant to levy the Forfeiture of a Victualler refusing to Quarter Soldiers.

7 Geo.

Whereas A. B. Constable of, &c. hath this Day made Oath before me C. D. Esq. Justice of Peace, &c. that E. F. of, &c. Victualler, hath refused to Quarter two Soldiers billeted upon him by the said Constable, according to the Statute, whereby he hath forfeited the Sum of $\text{5} \text{ } l$. These are therefore to command you to levy by Distress and Sale of the Goods of the said E. F. the said Sum of $\text{5} \text{ } l$. and to pay the same to the Churchwardens of, &c. for the Use of the Poor there. And for your so doing this shall be your sufficient Warrant. Given, &c.

Desertion,
Courts
Martial for
Trials.

Officers and Soldiers causing any Mutiny or Deserting, are to suffer Death, &c. inflicted by Court-Martial. And his Majesty may grant a Commission to any Field-Officer, or Commander in Chief of a Garrison, to call a Court-Martial of 13 at least Commission-Officers, who are to take an Oath to Try truly; and Sentence of Death is not to be given unless 9 Officers concur.

The Statutes 8 George.

Customs, and Running of Goods.

BY the Statute 8 Geo. c. 18. it is enacted, That all Seizures of Vessels of the Burthen of 15 Tuns, or under, which shall be made after the 25th of *March* 1722. by Virtue of the A[&] 8 *Ann.* or any other Law relating to the Custom, for carrying uncustomed or prohibited Goods from Ships inwards, or for relanding Certificate or Debenture Goods from Ships outwards, &c. shall be determined by any two Justices of the Peace, near the Place where the Seizure shall be made; who are to issue out their Summons, give publick Notice, &c. and their Judgments shall be final: And Justices of Peace of *London* and *Westminster* have the like Power in determining such Seizures as the Justices of any other Places.

Seizures of Ships determined by Justices.

If any Person shall Receive or Buy any Goods clandestinely Run or Imported, before the same is legally condemned, and shall thereof be convicted on the Oath of one or more Witnesses, before one or more Justices of the Peace, he is liable to a Penalty of 20 l. one Moiety to the Informer, and the other Moiety to the Poor of the Parish, to be levied by Distress and Sale, by Warrant under the Hands and Seals of the Justices;

Receiving or buying Run Goods.

Penalty.

What ad-
judg'd Run-
ning of
Goods, and its
Punishment.

Felony and
Transporta-
tion.

Vessels and
Boats for-
feited.

Justices; and for want of Distress to be committed to Prison for three Months.

And by this Statute Persons found passing with any foreign Goods, landed from any Ship without due Entry, and Payment of the Duties; and being more than five in Company, who shall carry any offensive Arms, wear Vizards or other Disguises, or resist the Officers of the Custom, shall be adjudged Runners of Foreign Goods, and be guilty of Felony, and be Transported to the Plantations for 7 Years. And a Reward of 40 l. is offer'd for apprehending and Discovery of the Offenders, when the Goods Run exceed the Value of 50 l.

If any Foreign Brandy, Strong-Water or Spirits, shall (after *Lady-Day 1722.*) be imported in this Kingdom in any Vessel of 40 Tons Burthen, or under, (except for the Seamen's Use, two Gallons each) such Vessel and the Brandy or the Value thereof shall be forfeited: Boats, Pinnaces and Barges (not belonging to the King, Merchant-ship or not licens'd by the Admiralty) made to row with more than four Oars, in the Counties of *Middlesex, Surrey, Kent or Essex &c.* are also liable to Forfeiture, and the Owners to a Penalty of 40 l.

A Warrant for levying the Penalty for Receiving Goods Run.

8 Geo.

Whereas the pernicious Practice of Running of Goods has lately been carried on beyond all Example, to the great Prejudice of his Majesty's Customs, and the very great Danger of bringing the Plague into

viated by the Oaths of two Witnesses, shall forfeit not exceeding 100 l. nor less than 10 l. at the Discretion of the Justices; one Moiety to the Informer, and the other to the Poor, leviable by Distress and Sale; and be committed to Prison for two Months, and till the Penalty is paid. The Charge of Watches is to be maintained by the County in such Manner as for County-Gaols and Bridges.

If any Officer appointed to see Quarentine performed, or any Watchman, shall knowingly suffer any Person or Ship to depart, or Goods to be conveyed out of any Place infected, unless with Licence, he shall be guilty of Felony. After Quarentine duly performed, and on Proof on Oath by the Master and two Persons belonging to the Ship; and of two credible Witnesses, that the Ship is free from Infection, &c. then the Customer of the Port, and two Justices of the Peace, are to give a Certificate thereof, whereupon the Ship and Persons shall be liable to no farther Re-straint.

Suffering
Persons to
depart, Fe-
lony.

Certificates
of Quaren-
tine by Ju-
stices, &c.

And of Goods
aired.
Orders by
Proclamation

Masters quit-
ting Ships,
Penalty.

All Goods after Quarentine are to be opened and aired, at the Places appointed, for such Time as his Majesty shall Order; and in case of Infection, his Majesty may make Orders concerning Quarentine, &c. and notifie the same by Proclamation; to which all Persons, Civil and Military, are to render Obedience.

If any Master shall quit his Ship, or suffer any other so to do, &c. before Quarentine performed, or shall not cause the Ship or Lading to be conveyed to the Place appointed

A New Appendix to

appointed for Quarentine, then every such Ship shall be forfeited to his Majesty, and the Master forfeit 200 l. Other Persons quitting the Ship, are liable to the same Penalty, and six Months Imprisonment.

Buying Run Goods, Forfeiture.

Persons Receiving or Buying any Goods clandestinely run, knowing thereof, shall forfeit 10 l. half to the Informer, and the other half to the Poor, to be levied by Distress and Sale of Goods.

Resistance to Ships infected, &c.

Officers of Ships of War, Forts, Garrisons, &c. are to resist the Entrance into Ports of Ships infected; and may use any kind of Force and Violence; and if any Ship shall come from any Place visited with the Plague, or have Persons or Goods Infected on Board, and the Master, &c. shall not discover it, he is to suffer as a Felon.

Ships infected to be burnt.

Ships coming from infected Places, or loaded with Cargoes taken on Board at any infected Place, or from Ships infected, such Ships, Goods, &c. may be burnt.

A Certificate that a Ship hath performed Quarentine, and is free from Infection.

7 Geo.

Whereas Proof has been made by the Oaths of, &c. as the Law requires, before A. B. Customer of the Port of, &c. and C. D. and E. F. Esqrs; two of his Majestys Justices of the Peace for the County of, &c. that the Ship called, &c. lately arrived in the said Port from, &c. and the Cargo thereof has duly performed Quarentine, and that the said Ship, Cargo and Persons on Board are free from Infection of the Plague. We do therefore hereby Certify the

Town or Place infected ; and all Powers in the said Act to *compel* any Person to *re-move* from his Habitation, shall be repeal'd and made void.

But nothing in this Act to be construed Exception. to repeal any Powers or Penalties relating to Persons who shall be on Board any Ship obliged to perform Quarentine, &c.

His Majesty is enabled (by Proclamation) Commerce prohibited. to prohibit Commerce with any Country that is or shall be infected with the Plague.

Stocks, Forgery punish'd.

BY the Statute 8 Geo. 2, 22. If any Per- Forging
son shall Forge or Counterfeit, or Powers to
procure to be Forged and Counterfeited, sell Stock, or
any Letter of Attorney, or other Autho- personating
rity or Instrument, to Transfer any Share in Proprietors.
any Capital Stock, established by Act of
Parliament, or to receive any Annuity or
Dividend ; or shall demand, or endeavour to
obtain any Shares in Stock transferr'd, or An-
nuities or Dividends to be received by Vir-
tue of such Forged Letter of Attorney, &c.
or shall Personate any real Proprietors, and
thereby Transfer, or endeavour to Trans-
fer the Stock, or to receive the Money for
the same, every such Person being thereof Made Felony
convicted, shall suffer Death as a Felon.

A Committment for Felony relating to the Stocks.

8 GW.

Whereas it has been duly proved before me by the Oaths of, &c. that A. B. of, &c. hath been guilty of Personating C. D. Proprietor of 100 l. South-Sea Stock, and of endeavouring to Transfer the said Stock, and to receive the Money for the same, which by a late Act of Parliament is made Felony without Benefit of Clergy. These are therefore to command you to convey the said A. B. to the Common Gaol of, &c. and deliver him to the Keeper thereof. Hereby also requiring you the said Keeper to receive the said A. B. into your Gaol, and him there safely to keep until he shall be discharged by due Course of Law.

Given, &c.

Con-

into these Kingdoms; And not only the same, but also the receiving of Run-Goods is, for the Reasons aforesaid, prohibited by the Law, the one being made Felony, and the other punishable by Fine: And whereas it having been prov'd before us, two of his Majesty's Justices, &c. that several Goods have been clandestinely Run on the Coasts of, &c. particularly one Cask of Brandy, one Bail of Silk, &c. And that C. D. of, &c. knowing thereof, Received or Bought the said Goods so run contrary to the Statute in that Case made. These are therefore to command you to levy by Distress and Sale of the Goods of the said C. D. the Sum of 20 l. which he hath forfeited by the Offence aforesaid. And that you do pay and deliver one Moiety of the said Penalty to, &c. the Informer, and the other Moiety to the Poor of the Parish of, &c. as the Statute directs. Given, &c.

Game, Penalties how recovered.

THE Statute 8 Geo. c. 19. enacts, That whenever any Person shall, for any Offence to be hereafter committed against any Law in being for the better Preservation of the Game, be liable to a Penalty upon Conviction before a Justice of Peace; it shall be lawful to proceed to recover the said Penalty either by Information and Conviction before a Justice of Peace, or to sue for the same by Action of Debt in any Court

Penalties recoverable by Action as well as before Justices

Court of Record, and the Plaintiff shall have double Costs.

Time limited

But the Suits and Actions to be brought, are to be commenc'd before the End of the next Term, after the Offence committed; and there must not be a double or second Prosecution, one on this Law, and another on the Laws already in being.

Highways in Middlesex.

Turnpikes,
Toll to be
paid by
Brick-Carts,
&c.

ALL Waggon, Carts and Carriages, laden with Bricks, or Compost used in making of Bricks, or with Hay, passing thro' any Turnpike for collecting of Tolls on the Highways leading to *Highgate* and *Hampstead*, shall pay the Toll that is due, as if such Carriages were going to Market; but no Carriage with Bricks is liable to pay above twice in one Day.

Driving
Cattle thro'
Grounds.

If any Person shall drive any Horses, Sheep, or other Cattle, thro' any Grounds, adjoining to the Ways whereby the Toll shall be avoided, being convicted thereof on Oath before one or more of the Justices of the Peace for the County of *Middlesex*, he shall forfeit 10 s. leviable by Distress.

Justices to
determine
Ways amend-
ed.

There are several other Statutes for Repairing of Roads in the County of *Middlesex*, with the like Clauses; and also Powers for the Justices in their Sessions to determine when the Ways are Repaired, whereupon the Toll shall cease, tho' the Terms of the Toll-pikes be not expired.

And

the Modern Justice.

27

And Justices of the Peace have Authority to appoint Receivers and Collectors of Toll at Turnpikes. Stat. 8 Geo. c. 5. To appoint Receivers of Toll.

A Warrant against a Person for letting Horses through Grounds to avoid the Toll.

Whereas A. B. of, &c. was this Day legally convicted by the Oaths of, &c. of driving several Horses thro' certain Grounds adjoining to the Highway leading to *Hampstead*, to avoid the Payment of the Toll that is due by Statute from all Persons passing the said Highway, contrary to the Statute aforesaid. These are therefore in his Majesty's Name to require you to levy the Sum of 10 s. on the said A. B. by Distress and Sale of his Goods for the Offence aforesaid. Given, &c. 8 Geo.

An Adjudication of Justices when Roads are Repaired by a Turnpike.

At the General Quarter Sessions of the Peace held at, &c. on, &c.

Whereas the Justices of the Peace for the County of *Middlesex* have Power and Authority, by an Act of Parliament made and pass'd, &c. to Adjudge and determine when the Highways leading to, &c. are sufficiently repair'd and amended, whereupon the Tolls therefore appointed, on Payment of the Money borrow'd on the Credit of the Act, and the Charges of Passing the same, are to cease. We the under-written Justices do by Virtue of the said 8 Geo.

To appoint
Receiver of
Toll.

said Power, and on due Certificate thereof, hereby Adjudge that the said Highways leading to, &c. are sufficiently amended and repaired as they ought to be, and that the said Toll ought immediately to cease and determine, upon paying of the Money borrowed on the said Act. Given, &c.

An Appointment by Justices of a Receiver of Toll.

1 Geo.

We whose Names are hereunto subscribed and Seals affixed, Justices of the Peace for the County of, &c. Do hereby appoint *A. B.* Receiver and Collector of the Toll at the Turnpike erected by Act of Parliament on the Highway leading to, &c. for the Reparation of the said Way, being 1 d. for every Horse, and 6 d. for every Coach, &c. And the said Toll from Time to Time received, the said *A. B.* is to pay to, &c. And to account for the same to us, or some other Justices of the Peace of the said County when thereunto required. Given, &c.

Plague and Quarentine Act.

Clauses of
the former
Act repeal'd.

BY 8 Geo. c. 10. it is enacted, That the Clauses in the Quarentine Act of the 7th of his Majesty, as give Power to remove Persons infected with the Plague, to Ships, Lazarets, or other Places; and to make Lines or Trenches about any City,

Convictions of Offences, by Justices, with Pre- cedents, &c.

THE Conviction for selling of Ale with-
out Licence, to entitle the Forfeiture
of 20 s. is either by Confession of the Parry,
View of the Justice, or Oath of two Wit-
nesses. 3 Car. 1. c. 3.

Offences of Badgers acting without Li-
cence, is by Inquisition or Verdict at the
Quarter Sessions, or upon Oath of two
Witnesses. 5 Eliz. c. 12.

The Examination of the Woman on Oath
put in Writing by the Justice, is a sufficient
Conviction to issue a Warrant to apprehend
the reputed Father, and oblige him to give
Security, &c. 18 Eliz. c. 3.

A Certificate from the Minister, when
any Person is buried in the Parish, that no
Person in 8 Days after the Interment hath
brought an Affidavit that the Deceas'd was
buried in Woollen, is a Conviction to levy
the 5 l. Penalty. 30 Car. 2. c. 3.

Alehouses.

Badgers.

Bastardy.

Burials.

Persons

Buttons.

Persons making or setting on, on any Clothes, Cloth-buttons or Button-holes, &c. (which is an Offence by Statute, and liable to 40 s. per Dozen Penalty) are to be convicted by the Oath or Oaths of one or more credible Witnesses, before one or more Justices. Stat. 4 Geo. c. 7. And the Conviction is the same for wearing of Clothes with Cloth-buttons or Cloth-Button-holes, &c. for which likewise the same Penalty is inflicted as for making. 7 Geo. c. 12.

Carriers.

Carriers travelling with more Horses than allow'd by Law, or the Wheels not bound of the Breadth the Statute requires, Conviction is to be by Information on Oath of the Person seizing the Horses, &c. before one Justice. Stat. 1 & 3 Geo.

Clothiers.

Persons taking off, defacing, counterfeiting or altering Seals fix'd to Broad Clothes, &c. are to be convicted by the Oath of one or more Witnesses, before one or more Justice or Justices. 1 Geo.

Coaches.

Coachmen, &c. demanding more than their Fare, abusing their Passengers, &c. Conviction by the Oath of one Witness, before one Justice. Stat. 9 Ann. c. 23.

Customs.

Receiving or Buying Run Goods (which incurs a Penalty of 20 l.) Conviction by Oath of one or more Witnesses before one or more Justices. Stat. 8 Geo. c. 18.

Deer.

Deer-stealers are convicted by Confession or Oath of one Witness, before one Justice of the County where the Fact is committed; or by Verdict, &c. on Indictment before a Judge of Gaol-Delivery. 3 & 4 W. & M. 5 Geo.

Con-

Game Laws

Alphabetical Method.

THE Method of Alphabet in Writings having of late Years gain'd a Reputation equal to its Use, in the last Edition of my *Modern Justice*, and also this *Appendix*, I have kept to the same under the several Heads as much as is possible; and I hope an Alphabetical Summary of all the Laws for Preservation of the Game, which has never yet been published, will be acceptable to the Reader.

As I have already observ'd in this *Appendix*, an Action may be commenc'd against Persons who break the Laws for Preservation of the Game, where they are liable to Penalties upon Conviction before Justices of Peace; and it is at the Election of any other Persons to proceed against them by Information, before a Justice, or to sue for the Penalty, by Action of Debt, &c. 8 Geo. c. 19.

By *Charia de Foresta* every Freeman may have his Ayeries of Hawks, Eagles and Herons in his own Wood, tho' within a Forest. *Char. For. c. 13.*

If a Man hath any *Got-Hawks*, and they make their Ayeries on his Land, he hath a Possessory Property in them; and if another takes them before they can fly, the Owner of the Soil may have his Action of Trespals. 7 Co. 17.

[* D]

Ayery

Actions.

Ayeries.

Ayery is the proper Term for Hawks, for that which of other Birds we call a Nest.

Black Game.

For the better preserving the Red and Black Game of Growse, &c. no Persons shall between the 2d of February and the 24th of June burn any Ling, Heath, Furze, Gorse or Fern, on Hills, Heaths, Moors, or other Wastes, on Pain of being committed to the House of Correction for any Time not exceeding a Month, nor under ten Days. 4 & 5 W. & M. c. 23. *Bulford. See Eggs.*

Chapmen, Higlers, &c.

Chapmen, Higlers, Carriers, Victuallers, &c. having in their Possession, or buying or selling Game, shall forfeit for every Hare, &c. 5 l. unless such Game in the Hands of a Carrier, be sent by a Person or Persons qualified to kill Game. 5 Ann. c. 14.

And Justices of Peace, Lords of Manors, &c. may take away any such Hare, &c. from Chapmen, Higlers, Carriers, or any other Person not qualified to kill the same, as shall be found in their Possession. *Stat. ibid.*

Convictions.

In Convictions for keeping of Guns to destroy the Game it has been adjudged the Peace is not concerned, so that the Justices of Peace have not Power to punish the Offenders, and levy the Penalty, for Want of Jurisdiction; but an Indictment may be found against the Party before the Justices of Oyer and Terminer, &c. 4 *Mod. Rep.* 49.

But by the Statute 22 & 23 Car. 2. Justices of the Peace, upon Examination and Conviction of the Offence, may commit a Person keeping Guns, not being qualified, till he hath paid the Forfeiture incurr'd.

Dogs.

If any Person, not qualified by Law, shall keep or use any Greyhounds, Setting-Dogs, Lurchers, &c. to kill and destroy Game, and thereof shall be convicted by the Oath of one or more credible Witnesses, he shall forfeit 5 l. to be levied by Distress and Sale of Goods; and for Want of Distress be sent to the House of Correction for 3 Months. 5 Ann. c. 14. And Justices of Peace, Lords of Manors, and their Game-keepers, &c. may take away such Dogs from Persons not qualified to keep the same.

There are four Kinds of Dogs, which the Law regards, viz. a Mastiff, a Hound, (which comprehends a Greyhound) a Spaniel, and a Tumbler: And in a Dog a Man may have a Property. So also of a Ferret, tho' it be of a more base Nature. A Man brought his Action of Trespas for taking of a Bloodhound, and recovered 10*l*. Damage. *Cro. Eliz.* 125, 126.

Trover and Conversion lies for a Spaniel Dog; And Trespas for a Greyhound. *Hob.* 363. *Cro. Jac.* 463. And Action of the Case lies on a Promise to deliver a Lurcher sold. *1 Keb.* 680.

None shall take the Eggs of any Wild Fowl, Eggs: (usually eaten) from the Nest, or destroy them, between the first of *March* and the last of *June*, on Pain of a Year's Imprisonment, and a Forfeiture for every Bustard's Egg of 1*s.* 8*d.* of every Bittern, Heron or Shovelard, 8*d.* of a Mallard, Teal, or other Wild Fowl, 1*d.* 25 *H. 8. c. 11.*

And Destroyers of the Eggs of Pheasant, Partridge, &c. are to be imprison'd three Months, unless they pay to the Churchwardens for the Use of the Poor the Sum of 20*s.* 1 *Jac.* 1. *c. 17.*

No Person shall take out of the Nest any Eggs of a Faulcon, Gos-Hawk, &c. under the Penalty of a Year and a Day's Imprisonment, and Fine at the King's Pleasure. 11 *H. 7. c. 17.* Faulcons,
Hawks, &c.

The felonious taking of any Hawk from the Perch, &c. or from the Person of a Man, was Robbery at the Common Law: And by Statute 37 *Ed. 3. c. 19.* if any Man find a Faulcon, Lanner, Lanneret, &c. or steal and carry away the same, and not forthwith bring it to the Sheriff of the County to be proclaimed, it is made Felony; but the Offender shall have his Clergy; and this Statute only extends to long-wing'd Hawks, and not to Gos-Hawks, or Sparrow-Hawks. *Co. 3 Inst.* 97, 98.

Taking away Faulcons, Gos-Hawks, &c. from the Coverts where they use to breed incurs 10*l*. Penalty, to be divided between the King and the Prosecutor. *Stat.* 11 *H. 7.*

Game-keep-
ers.

By 22 & 23 Car. 2. c. 25. Lords of Manors, and other Royalties, may by Writing under Hand and Seal authorize one or more Game-keepers, who have Power to seize Guns, Dogs, Hays, Nets, Snarres, or other Engines for killing and taking Hares, Pheasants, Partridge, or other Game, used by Persons prohibited by Law to do the same. And by 5 Ann. Any Lord or Lady of a Lordship or Manor may by Writing under his or her Hand and Seal, empower Game-keepers within their respective Lordships, to kill Hare, Pheasant, Partridge, &c. But such Game-keepers are not to kill Game, and afterwards sell and dispose thereof, without the Knowledge and Consent of the Lord or Lady of such Manor, on Pain of Commitment to the House of Correction for three Months. 5 Ann. c. 14.

The 9 Ann. c. 25. ordains that Game-keepers are to be entred with the Clerk of the Peace in the Sessions; and if any Game-keeper besides what is Licensed, and his Name enter'd with the Clerk of the Peace, whereof a Certificate is to be made, shall kill any Hare, &c. he shall incur the Penalty of 5 l.

By 3 Geo. Game-keepers are to be either Persons qualified by Law to kill the Game, or to be truly and properly Servants to Lords of Manors, and not Tenants, &c. under the Penalties 5 Ann.

And there must not be above one Game-keeper appointed within any one Manor, to kill Game, &c.

If any Higler, Chapman, Inn-keeper, Victualler, or Alehouse-keeper, shall have in his or their Custody any Hare, Pheasant, Partridge, &c. or shall buy, sell, or offer to Sale any such, every such Higler, &c. for every such Offence, upon Conviction by View or Oath of one or more Witnesses before one Justice, shall forfeit 5 l. for every Hare, &c. Half to the Informer, and the other Half to the Poor, to be levied by Distress and Sale of Goods; and for Want of Distress, the Offender is to be committed to the House of Correction for 3 Months for the first Offence, and for every other Offence 4 Months without Bail. 5 Ann. c. 14. The Prosecution to be within three Months,

Hares.

Per-

Persons not qualified to kill Game, which shall presume to kill, or sell or expose to Sale any Hare, Pheasant, &c. shall be liable to the Forfeiture of 5 *l.* for every Hare, &c. And if Hare, Pheasant, &c. shall be found in the Shop, House or Possession of any Person not qualified to kill the same, or not entitled thereto under some Person so qualified, the same shall be adjudged exposing it to Sale. 9 *Ann.* c. 25.

Any Person that shall kill or destroy, sell or buy any Hare, Pheasant, Partridge, &c. and shall within three Months discover Higlers, Chapmen, &c. that have bought or sold, or had in their Possession any Hare, &c. so as they shall be convicted thereof, shall be discharged of the Penalties, and receive the same Benefit as any other Informer. 5 *Ann.* c. 14.

By 4 *W. & M.* If a Constable (searching by Virtue of a Justice's Warrant) find any Hare in the House of a Person not qualified, he must carry him before a Justice of Peace, and if he do not give a good Account how he came by it, he shall be liable to the Penalty of this Act; but this is only a Sum not exceeding 20 *s.* nor under 5 *s.*

Tracing, killing or destroying Hares in the Snow incurs a Forfeiture of 6 *s.* 8 *d.* for every Hare, by an ancient Statute 14 & 15 *Hen.* 8. This is enquirable in the Sessions and the Court-Leet.

Moor, Heath Game, and Grouse are within the Statute 5 *Ann.* c. 14. And Offenders are liable to the like Penalty of 5 *l.* for killing them as for other Game.

Heath Game,
Herons.

Heath, Furze, Fern, &c. are not to be burnt from the Beginning of *February* to the latter End of *June*: It is prohibited for the better Preservation of Heath-Cocks, Heath-Polts, &c. 4 & 5 *W. & M.* c. 23.

Herons are mentioned in the *Stat.* 1 *Jac.* 1. c. 17. relating to the Game, and a Penalty of 20 *s.* inflicted for destroying them.

None shall take an old Heron out of his Ground, (unless it be with Hawking, &c.) under the Penalty of 6 *s.* 8 *d.* nor a young one out of the Nest, on Pain of 10 *s.* Forfeiture. 19 *H.* 7. c. 11.

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Persons

Hunting.

Persons licensed in Sessions to shoot in Birding-Pieces are not to shoot within 600 Paces of a Heronry, &c. 7 Jac. 1. c. 11.

Any Man may Hawk and Hunt at his Pleasure in his own Lands, that is not the free Warren of another Person: And so also for other Recreations. 11 Co. 87.

If any Person shall Hawk or Hunt with Spaniels in Standing-Corn, except in his own Ground, or with the Consent of the Owner, he shall forfeit 40 s. to the Owner of the Ground. 23 Eliz. c. 10. And if any inferior Tradesman, Apprentice, &c. shall Hunt, Hawk, Fish or Fowl, (unless in Company of the Master qualified by Law) they are liable to the Penalties of this Act, (*viz.* to pay a Sum not under 5 s. nor above 20 s. for every Hare, Partridge, &c. kill'd) and to be sued as Trespassers for coming upon the Ground, wherein the Plaintiff may recover his Damages and Costs. 4 & 5 W. & M. c. 23.

The Common Law justifies the Hunting of Foxes, Badgers, and other ravenous Beasts of Prey, in the Ground of another Person; but a Man may not dig to unearth them without Licence, but he shall be a Trespasser. *Roll. Abr.* 558.

If a Man in Hunting starts a Hare upon his own Land, he may pursue it on the Ground of another, and the Hare is still his own Property, from its being at first on his own Lands; for the Property of Hares is in them on whose Ground they remain: But if a Man starts a Hare upon another Man's Ground, and hunts and kills it, he is subject to an Action, tho' it is seldom brought. *Cro. Car.* 553.

But as to pursuing of Game, an Action was brought against a Person for entering another Man's Warren; the Defendant pleaded that there was a Pheasant on his Land, and his Hawk pursued it into the Plaintiff's Ground: Resolved that this doth not amount to a sufficient Justification, for in this Case he can only follow his Hawk, and not take the Game. 28 Ed. 3. *Poph.* 162.

If a Man trespasses in Hunting upon the Ground of another Person, yet such other cannot justify killing the Dogs, (for there is a Remedy at Law for the Trespass) as seems from the Authority of *Roll. Abr.* 567. Tho' it has been otherwise adjudged in 2 *Cro.* 44. and in later Cases. 3 *Lev.* 28.

Destroyers of the Game may be Indicted in the Sessions, and there Punished; tho' most Penalties on late Statutes are levied on Conviction by one Justice. Indictments.

A Man was indicted for shooting of Game, but the Indictment omitted shewing that he was not worth 100 *l.* per Annum, to qualify him for so doing: It was ordered by the Court that he should shew he was worth so much to discharge himself. 2 *Keb.* 582.

As to Licences to kill Game, there is a Licence in Law, Fact, and in Deed: Licence in Law is where it is by Word of Mouth: A Licence in Fact is, where it is by Prescription; and Licence in Deed is where it is given in Writing. There is also a Licence of Profit, where a Man has a Warrant to kill and carry away Game: And a Licence of Pleasure, to hunt or hawk in a Forest, Chase, &c. whereby a Man doth not gain any Property in the Game he takes. And he that hath a Licence of Pleasure, cannot hawk or hunt with any more in Company than himself: *Aliter*, where a Man hath a Licence of Profit. *Mann.* 38 2. 2 Part Game-Law 155. Licences.

If Licence be given to the Master to hunt in a Park, the Servant cannot justify Hunting, tho' by his Master's Command: A Man may not bring others to Hunt with him, without particular Words in the Licence to empower him. But if a Licence be granted a Man to chase, kill, and carry off Game at his Pleasure, then he has Authority to bring others with him. *Crompt. Jurisd.* 160.

The Words *carry off* must be inserted in Licences, otherwise, tho' a Man may have Power to kill Game, it is said he may not carry it away with him. *Crompt. ibid.* But this I take to be an extraordinary

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dinary

dinary Nicety; tho' I own if a Man exceeds his Authority, he will be a Trespasser.

Nets.

Nets, Hays, Snares, Engines, &c. for destroying of Game may be seized by Game-keepers. *Stat. 2. & 23 Car. 2. c. 25.* And Constables having a Warrant of two Justices, may search Houses for Nets, Dogs, &c. and the same take, carry away, and destroy, as Things prohibited. *7 Jac. 1. c. 11.*

Persons of mean Condition convicted by Confession or Oath of one Witness, before two or more Justices, of taking or destroying Game with Nets, Dogs, &c. are to be committed to Gaol for 3 Months without Bail, unless they pay 20 s. for every Bird, &c. to the Use of the Poor. *Ibid.*

By 4 & 5 W. & M. c. 23. If any Person not qualified by Law shall keep or use any Nets, Tunnels, Harepipes, Snares, or other Instruments, to destroy the Game, he shall forfeit a Sum not exceeding 20 s. nor under 5 s. for every Hare, Partridge, &c. taken.

And by 5 Ann. c. 14. The Penalty is 5 l. leviable by Distress, &c.

Pheasants
and Par-
tridges.

None shall take Pheasants or Partridges with Engines in another Man's Ground, without Licence, under the Penalty of 10 l. *Stat. 11 H. 7. c. 17.*

No Person shall kill or take Pheasants or Partridges with Net or Engine in the Night-time, on Pain of forfeiting 20 s. for every Pheasant, and 10 s. for every Partridge; and if not paid in ten Days, one Month's Imprisonment, &c. The Forfeiture to be recovered in any Court of Record, and divided between the Lord of the Manor and the Prosecutor. *23 El. c. 10.*

Such Persons as shall be convicted by Confession or Oath of two Witnesses, before two Justices, of killing or taking any Pheasant, Partridge, &c. shall be imprisoned three Months, unless they pay to the Use of the Poor 20 s. for every Fowl, &c. taken or destroyed. *1 Jac. 1. c. 27.*

To destroy any Pheasant or Partridge between the first of July and last of August, incurs one Month's Imprisonment, or to pay to the Poor 40 s. for every Time of Hawking, &c. and 20 s. for every Pheasant and Partridge kill'd. *7 Jac. 1. c. 11.*

Persons

Persons having Pheasant, Partridge, &c. in their Possession, and not giving a good Account how they came by the same, &c. shall forfeit not exceeding 20 s. nor under 5 s. for every Pheasant, or Partridge, to be levied by Distress; and in Default be committed to the House of Correction for a Month. 4 & 5 W. & M. c. 23.

And the Statute 5 Ann. encreases the Penalty to 5 l. for every Pheasant, &c. and three Months Imprisonment on Non-payment. Conviction to be before one Justice.

By the Statute 7 Jac. 1. Persons are not to fire at Game within 100 Paces of a Pigeon-House: And a Forfeiture is inflicted for killing of Pigeons, viz. 20 s. for every Pigeon kill'd, for the Use of the Poor; or the Offender is to be committed for three Months. Pigeons.

If the Offender doth not pay the Penalty, but is committed, he may after Commitment for a Month be discharged on becoming bound, before two Justices, with two Sureties in 20 l. with a Condition not to offend again in the like Nature. Stat. *ibid.*

A Man may kill Pigeons on his own Land; but not against any particular Statute.

The Qualification to keep Greyhounds, Setting-Dogs, &c. to take Game, is an Inheritance of 10 l. per Annum, Lease for Life of 30 l. per Annum or 200 l. Personal Estate. By Statute 1 Jac. 1. c. 27. And to keep Guns, Dogs, &c. the Qualification is 100 l. per Annum of Inheritance, or for Life, in a Man's own or his Wife's Right, or a Lease for 99 Years of 150 l. per Annum. By 22 & 23 Car. 2. c. 25. Qualification to kill Game.

Those as have a free Warren, Lords of Manors, and the Son and Heir of an Esquire, or other Person of higher Degree, are qualified to keep Guns, Greyhounds, &c. Persons not qualified, keeping Guns are liable to a Penalty of 10 l. Stat. 33 H. 8. c. 16. 22 & 23 Car. 2.

And Persons qualified to keep Guns may take away Guns from those that are not, and break them. Stat. *ibid.*

Game-keepers and others, by Warrant from a Justice of Peace, may search the Houses of Persons not qualified suspected to keep Guns, &c. and seize them for the Search for Game.

the Use of the Lord of the Manor, or otherwise destroy them. 22 & 23 Car. 2. c. 25.

And Constables, &c. by a Justice of Peace's Warrant, are to search the Houses of suspected Persons for Game; and in Case any Game shall be there found, carry them before some Justice, by whom they are to be punish'd, by levying a Sum not under 5 s. nor exceeding 20 s. Half to the Informer, and Half to the Poor, for every Hare, &c. By 4 & 5 W. & M. c. 23.

Shooting.

Persons were formerly licensed in Sessions to shoot in Hand-Guns and Birding-pieces; and none under the Degree of a Baron was to shoot in any Hand-Gun, within a City or Town, at any Fowl whatsoever. Stat. 2 & 3 Ed. 6. 7 Jac. 1. But these Statutes are now repealed.

If any Person (unqualified) shall shoot at Pheasant, Partridge, Grouse, Heath-cock, Duck, &c. and thereof shall be convicted by two Witnesses, or by Confession, before two Justices, he shall be committed to Prison for three Months, or pay 20 s. for every Fowl. 7 Jac. 1.

Soldiers.

If any Officer or Soldier, without Leave, shall take or destroy any Hare, Pheasant, Partridge, or any Sort of Fowl, Poultry, &c. he shall upon Conviction forfeit, if an Officer 5 l. and if a Soldier 10 s. to be paid by the Officer commanding in Chief, and distributed to the Poor: And for Default of Payment within two Days after Conviction thereof, upon Oath before a Justice of Peace and Demand made by a Constable, &c. such Officer shall lose his Commission. 4 & 5 W. & M. 2 & 3 Ann. &c.

Swans.

A Man may prescribe to have Game of Swans within his Manor, as well as a Warren or Park: And none may have a Swan-Mark, unless it be by Grant of the King, or his Officers authorized, or by Prescription. 22 Ed. 4. c. 6.

He that steals Swans Eggs out of their Nests, shall suffer a Year's Imprisonment, and be fined. 11 H. 7. And where there are Swans mark'd and pinion'd, or unmark'd, if kept in a Pond or private River, it is Felony to take them; as it is likewise to steal Partridge, Pheasants, &c. reduced to

Tamc.

Tameness, knowing them to be Tame *H. P. C.*
68. *Crompt. Jurisd.* 167.

There are *Land* and *Water Fowl*: The *Land Fowl* *Wild-Fowl*.
are either of the *Wood*, as Pheasant, Woodcock, &c.
or of the *Field*, such as Partridge, Quail, Rail, &c.
And the *Water-Fowl* are dispersed in Rivers, Ponds,
Marshes, &c. such as Duck, Mallard, Heron, &c.

By *Stat. 9 Ann. c. 25*. If any Person between the
first of *July* and the first of *September*, shall drive
and take any *Wild-Duck*, *Teal*, *Widgeon*, or any
other *Water-Fowl*, by *Hays*, *Tunnels*, or other
Nets, in any *Fens*, *Marshes*, or other *Places* of
Resort for *Wild-Fowl* in the *Moulting-Season*;
and the same shall be proved by the *Oath* of one
Witness before one *Justice*, he shall forfeit 5 *s.* for
every such *Wild-Duck*, &c. one *Moiety* to the
Informer, and the other to the *Poor*, to be levied
by *Distress* and *Sale*, and for *Want* of *Distress*
be committed to the *House of Correction* for any
Time not exceeding one *Month*, nor less than 14
Days, there to be whipp'd and kept at hard *Labour*.

Persons shooting *Duck*, *Mallard*, *Teal*, &c. are
liable to a *Penalty* of 20 *s.* for every *Duck*, &c.
Wile Shooting.

*A Warrant against a Person for destroying Ducks, and
other Wild-Fowl.*

Whereas *A. B.* of, &c. hath this Day made *9 Ann.*
Complaint unto me *C. D. Esq;* one of his Majesty's
Justices of the Peace for the *County* of, &c. that
E. F. on, &c. last past, between the first of *July*
and the first of *September*, did take and destroy
three *Brace* of *Ducks*, two *Brace* of *Teal*, one
Brace of *Widgeons*, &c. with *Tunnels* and other
Nets, in, &c. *Marsh*, belonging to the said *A. B.*
contrary to the *Statute* in that *Case* made for the
preserving of *Wild-Fowl* in the *Moulting-Season*.
These are therefore to command you to bring the
said *E. F.* before me or some other of his Majesty's
Justices of the Peace for this *County*, to be exa-
mined in the *Premises*, and be dealt with accord-
ing to *Law*. Given, &c.

A short Licence from a Lord of a Manor to a Game-keeper.

Glouc. ss. I A. B. Lord of the Manor of, &c. in the said County do hereby give Licence, Power and Authority to C. D. of, &c. to kill any Hare, Pheasant, Partridge, or other Game, in and upon my Lands and Manor of, &c. aforesaid. Given, &c.

See more *Precedents in my Modern Justice!*

The LAWS against GAMING, and Gaming-Houses.

Games,
Bowls, &c.

THE scandalous and pernicious Practice of Gaming, being now under the Consideration of our Justices of Peace, in order to suppress the same, I shall here insert the Laws and Statutes provided against it. But I shall first premise that Gaming is not unlawful in it self, tho' prohibited by several Statutes to certain Persons, and to be used in certain Places. 2 *Ventr.* 175.

Anno 28 H. 8. Proclamation was made against all unlawful Games, and Commissions awarded into every County of England for the Execution thereof; which perhaps may be a Precedent in the present Times: And in all Places, Tables, Dice, Cards, Bowls, &c. were taken and burnt; for Bowling by the Statute 16 *Car. 2. c. 7.* and other Statutes is mentioned amongst the unlawful Games.

Cheats, false
Dice.

A Man may have Remedy against those Persons that cheat him at Gaming, by Action on the Case, and so recover his Money lost and Damages; or he may proceed against them by Indictment, or by Information: If two Men are common Hazardors,

and

and use with false Dice to cheat the King's Subjects, and they join together and with false Dice deceive A. B. of his Money, if they are found guilty they may be adjudged to stand in the Pillory, &c. 1 Roll. Abr. 78.

A Person being cheated at a Tavern in London, and having given a Judgment for the Money, moved in the King's Bench to reverse the Judgment, and the Court ruled Execution to be stayed till the Matter be examined: And Forster and Tinsden advised the Party to bring an Information against the Cheat, and also against the Vintner. 1 Lev. 53.

These Cases were before the Statutes 16 Car. 2. c. 9. Ann.

Any two or more Justices of the Peace may cause such Persons to be brought before them as they suspect have no visible Estates or Professions to maintain themselves; and if they do not make it appear that the principal Part of their Expences is maintain'd without Gaming, then such Justices may require Securities for their Good Behaviour for twelve Months; and if they cannot find sufficient Sureties, they are to be committed to the Common Gaol, 9 Ann. c. 14. Estates.

If they Play or Bet during the Time to the Value of 20 s. they forfeit their Recognizances. Stat. ibid.

By 16 Car. 2. c. 7. If any Person or Persons shall by Fraud in playing at Cards, Dice, Tables, &c. or by bearing a Part in the Shares or Stakes, or in betting on the Hands of such as play, &c. win any Sum of Money or other valuable Things whatsoever, the Person so offending shall, *ipso facto*, forfeit treble the Value of the Money or other Thing so obtained; and the Informer or Prosecutor recover treble Costs.

Fraudulent Fighting.

And the Statute 9 Ann. c. 14. enacts, That if any Person by Fraud, in playing at Cards, Dice, &c. or by bearing a Share in the Stakes, or by Betting, shall win any Sum above 10 l. at one Time, he shall forfeit five Times the Value of the Thing so won, by Indictment, and suffer such Punishment and Infamy, as in Cases of wilful Perjury.

Any

Gaming-
Houses, and
Gamesters.

Any one that assaults and beats, or challenges to Fight any other Person on account of Money won at Gaming, being convicted thereof, he shall forfeit all his Goods, and be imprisoned during two Years. 9 Ann. c. 14.

Persons keeping unlawful Gaming-Houses, may be committed to Prison by one Justice until they find Sureties not to keep such a House for the future: And in the Sessions they shall be fined 40 s. a Day. 33 H. 8. c. 9.

One Justice may also commit any Person playing in such Houses, until he finds Surety not to play any more; and he shall forfeit 6 s. 8 d. for every Offence. And Artificers, Apprentices, &c. using Games out of Christmas are liable to a Penalty of 20 s. Stat. *ibid.*

It is an Article of Enquiry at the Sessions, if any one keeps any Place for unlawful Games: And Anno 29 Eliz. several Persons were taken at a Gaming-House in Staffordshire, by one of the Justices of Peace of that County, and were indicted thereof, and he that kept the House was fined 5 l. and every one that played 20 s. and they were committed to Prison till they paid their Fines.

A Person was convicted of keeping a Cock-pit: The Court resolved it to be an unlawful Game, within the Statute 33 H. 8. and fined him 40 s. a Day, viz. 12 l. for 6 Days. Keb. Rep. 510.

Justices of
Peace.

Every Justice of Peace may, as well within the Liberties as without, enter into any Common House or Place where any playing at Cards, Dice, Tables, or other Games prohibited by Law, shall be suspected to be used, against the Statute 33 H. 8. c. 9. and may as well arrest the Keepers of such Place, as the Players there, and imprison them till they find Sureties, &c. *ut supra.*

And Mayors, Sheriffs, Constables, &c. not searching Places suspected of unlawful Gaming, are subject to a Penalty of 40 s. Stat. 33 H. 8. The Statute against using unlawful Games is to be proclaimed by Justices every Quarter-Sessions in open Court, and four Times a Year in the Market-place. Stat. *ibid.*

The Stat. 16 Car. 2. c. 7. ordains, That if any Person shall play at Gaming, (other than with or for ready Money) or shall bet on the Hands of such as do, and shall lose any Sum exceeding 100 l. at any one Time, and not pay down the same at the Time it is lost, the Party losing shall not be compelled to make it good: All Judgments, Bonds, Bills, &c. enter'd into for Satisfaction shall be void; and the Person winning is to forfeit treble the Value of all his Winnings above 100 l. and the Informer to have treble Costs.

By 9 Ann. c. 14. any Person playing at Cards, Dice, Tables, Bowls, or other Game, or betting and losing the Value of 10 l. and paying the same, may within three Months sue for and recover the Money so lost from the Winner, with Costs, &c. and if the Loser do not sue, any other Person has Power to sue and recover the same, and treble the Value with Costs, one Moiety to the Prosecutor, and the other to the Poor. And all Notes, Bills, Bonds, or other Securities given for Money won at Gaming, or for repaying any Money knowingly lent for such Gaming or betting, shall be void and of no Effect.

On an Action brought in a Case of Gaming, the Defendant in Consideration the Plaintiff would give him 5 s. promised to give the Plaintiff 40 s. if ever he play'd at a certain Game, for Money or Wine: It was moved that there was no such Play as the Game mentioned; but the Action was adjudged good, and the Court approved of the Consideration to restrain Gaming. *Raym. Rep. 13.*

Gamesters becoming Bankrupt shall have no Relief out of their Estates. *Vide Stat. 5 Geo. c. 24.*

Precedents.

A Recognizance not to keep a Gaming-House.

Memorandum quod die & anno, &c. A. B. de, &c.
in Com' pred' &c. & C. D. de, &c. & E. F. de, &c.
venerunt coram me W. B. Arm' nunc Justiciar' dist'
Dom'

bas. 1510. I
1510. I

*Dom. Reg. ad partem in Com. pred. conservand. assign.
et recognoscendum se debere dict. Dom. Reg. videl. pred.
A. B. in viginti libris & C. D. & E. F. separatim in
decem libris donec & legal. monet. Magne Britannie de
bonis & casualibus terris & tenementis suis separatim fieri
et levare ad opus dict. Dom. Reg. Hered. & Successor. suorum
si defecerit in Conditione infrascripta.*

The Condition of this Recognizance is such, that
whereas it has been made appear the above-bound
A. B. hath for some Time last past kept a Common
House for Gaming, Card-playing, &c. in, &c.
contrary to Law. If therefore the said A. B. do
not at any Time for the future permit or suffer
Cards, Dice, or any other unlawful Games what-
soever, to be used in his said House, or any Disor-
ders to be therein committed (or, if it be of a
Gambler not to play — say, if the said A. B. do
not for the future play at Cards, Dice, &c.) Then
this Recognizance to be void, or else to remain in
full Force.

9 Ann.

A Commitment of a Gambler.
Whereas it has been duly proved before us, that
A. B. on, &c. did play at Cards, Dice, and other
unlawful Games, at the House of, &c. not having
any visible Estate or Employment for his Support
and Maintenance: and he the said A. B. not being
able to give sufficient Security for his Good Beha-
viour for the Space of 12 Months, as the Statute
directs. These are therefore to command you to
convey the said A. B. to the Common Gaol of, &c.
Hereby also requiring you the Keeper thereof him
safely to keep in your Gaol and Custody until he
shall give Security as aforesaid. Given, &c.

33 H 8.

A Mitimus for keeping a Gaming-Table.
Whereas Information hath this Day been given
upon Oath before me W. B. Esq; one of his Majesty's
Justices, &c. that C. D. of, &c. hath for some Time
kept a publick Gaming-Table in, &c. House, con-
trary to the Statutes made and provided. These are
therefore to command you to convey the said C. D.
to the Gaol of, &c. Hereby requiring you the said
Keeper of the said Gaol him the said C. D. safely to
keep in your Custody until he shall be discharged
by due Course of Law. Given, &c.

Some

Conviction of Drunkenness, is by View Drunkenness
of a Justice, Oath of one Witness, or Con-
fession. 21 Jac. 1. c. 7.

Destroying Eggs of Pheasants, Partridge, Eggs.
&c. Conviction is either by Confession, or
the Oath of two Witnesses, before two Ju-
stices. Penalty 20 s. 1 Jac. c. 27.

Brewers making false Entries of Liquors, Excise;
&c. or using fraudulent Practices to avoid
the Duty of Excise, are Convicted by the
Oath of one Witness, or Confession; and
two Justices, &c. must give Judgment a-
gainst them. 12 Car. 2. c. 24. 8 & 9 W. 3.

If any Person shall destroy Fish in a Ri- Fishing;
ver, &c. without the Owner's Consent, he
is to be Convicted of the Offence by Con-
fession, or one Witness, by one Justice;
whereupon the Penalty of 10 s. is levied,
&c. 22 & 23 Car. 2. c. 15.

These Offenders are Convicted by the Forestallers;
Oaths of two Witnesses, Inquisition, Pre-
sentment or Information at the Quarter-
Sessions. 5 & 6 Ed. 6. c. 14.

Chapmen, Higlers, Carriers, Inn-keep- Game.
ers, &c. having in their Custody Hare,
Pheasant, Partridge, &c. is a Conviction;
and Buying and Selling is convicted by
View or Oath of one Witness, in three
Months, before one Justice. Forfeiture 5 l.
for every Hare, &c. 5 Ann. c. 14.

Persons keeping more Gunpowder in Gunpowder.
their Storehouses, &c. than six hundred
Weight in the City of London, &c. are pu-
nishable; Conviction by the Oaths of two
Witnesses, before two Justices. 5 Geo.

D

Hawkers

Hawkers.

Hawkers and Pedlars travelling without Licence, are convicted by the Oath of one Witness, before one Justice. 9 & 10 W. 3. c. 27.

Hedge-breakers.

The Conviction of Hedge-breakers, &c. must be by the Confession of the Party, or the Oath of one Witness, before one Justice. Persons suspected, not giving a good Account, how they came by Wood, &c. in their Possession, is a Conviction, whereupon the Justice may order Damage to the Party injur'd, and 10 s. for the Poor. 43 Eliz. c. 7. 15 Car. 2. c. 2.

Juries.

Concealment of Jurors is to be tried by Inquisition of a fresh Jury impanell'd by the Court of Quarter-Sessions. 3 H. 7. c. 1.

Leather.

Leather expos'd to Sale, not being sufficiently Tann'd, is liable to Forfeiture; Conviction in the Quarter-Sessions. Penalties of Shoemakers making Boots and Shoes of faulty Leather, &c. are recoverable on Conviction in the Quarter-Sessions, &c. 1 Jac. 2. c. 22.

Malt.

For Forfeitures of Malsters, for Concealments to defraud the King of his Duty; Conviction to be by Information on Oath of Gaugers, &c. before two Justices. 13 & 14 W. 3.

Oaths.

Refusal to take the Oaths of Allegiance, Supremacy and Abjuration, being certified to the Quarter-Sessions by two Justices, and from thence into B. R. is a Conviction of Recusancy, &c. 7 & 8 W. 3. 1 Geo.

Perjury.

Perjury is convicted on Inquisition, and Indictment at the Quarter-Sessions. 5 Eliz. c. 9.

Relieving

Relieving Persons who have not Badges Poor. on their Garments incurs a Penalty; Conviction by the Oath of one Witness, before one Justice. 3 & 4 W. & M. c. 11.

A Record of a Riot upon View, by two Riot Justices of the Peace, returned into B. R. is sufficient to convict the Rioters, whereupon they shall be Fined. 13 H. 4.

On Examination of a Person Robb'd, upon Robbery. Oath, one Justice may issue Warrants of Hue and Cry. 27 Eliz. 13 Ed. 1.

Inhabitants of London, &c. not cleansing Scavengers: the Streets before their Houses twice a Week, and not paving before their Doors, are subject to Penalties, being convicted by View, Confession, or one Witness, before one Justice. 2 W. & M. c. 8.

Persons refusing to Quarter Soldiers, Soldiers: Oath of the Constable, &c. will convict. 7 Geo.

The Offence of making, selling, and Squibs: throwing Squibs is convicted by Confession, or the Oaths of two Witnesses, before one Justice. 9 & 10 W. 3.

Profane Swearers are convicted by Confession, Oath of one Witness, &c. before one Justice. 6 & 7 W. 3. And a Justice may convict on hearing the Offence 21 Jac. 1. All Convictions are to be registred, and certified to the Sessions.

On Complaint against a Person refusing Tithes to pay Tithes, two Justices may summon the Party; but Witnesses on Oath must be produced for Conviction, before Judgment is given. 7 & 8 W. 3. and 3 & 4 Ann.

D 1

Selling

Weights and
Measures.

Selling by unlawful Weights and Measures, the Conviction is by the Oath of one Witness before a Justice, Mayor, &c. 22
Car. 2. c. 8.

PRECEDENTS of Con- victions.

*A Conviction for unlawful selling of Ale, on the
Oath of two Witnesses.*

3 Car. 1.

MEmorandum that on, &c. in the Year, &c. A. B. and C. D. of, &c. came before me E. F. Esq; one of his Majesty's Justices of the Peace for the said County, at my Dwelling-house in, &c. and then and there upon their Oaths deposed that G. H. on, &c. and for some time last past had sold Ale in his House without being licens'd thereto by two Justices of the Peace as the Law directs. And the said G. H. being brought before me, and the Evidence read to him, and he not being able to say any thing why he should not be convicted of the said Offence, I the said Justice do therefore hereby adjudge that the said G. H. upon the Testimony of the said A. B. and C. D. is convicted of the Offence of selling Ale without Licence; And that he hath

hath forfeited the Sum of 20 s. for the Offence aforesaid, &c. In Witness, &c.

A Conviction of Drunkenness, on Information given.

Memorandum, That A. B. of, &c. this 21 Jac. 1. Day, &c. came before me C. D. Esq; one of his Majesty's Justices, &c. and exhibited an Information on Oath against E. F. viz. that he the said E. F. on, &c. last, at, &c. was very much Drunk and disorder'd with Liquors, in Defiance of the Statutes in that Case made for promoting of Order and Government, And the said E. F. appearing before me, by Virtue of my Summons, and not being able to clear himself from the said Charge, I do therefore, in Pursuance of the Statute, pronounce the said E. F. convicted of Drunkenness, and that he hath forfeited the Penalties incurr'd for Offences of that Nature. Given, &c.

A Conviction for unlawful Fishing, on Confession of the Party.

Memorandum, That on, &c. A. B. of, &c. 22 & 23 came before me C. D. Esq; and made Oath Car. 2. that E. F. on, &c. last past, did angle for and catch in the River call'd, &c. belonging to the said A. B. several Quantities of Fish, viz. one Salmon, two Brace of Trouts, &c. without the Consent of him the said A. B. and contrary to Law, And the said E. F. being apprehended and brought before me to answer the said Offence, having

D 3

con-

A New Appendix to

Confess'd the same, I do therefore adjudge the said E. F. convicted of unlawful Filhing, and that he hath thereupon forfeited, &c. Given, &c.

A Conviction of a Hawker refusing to produce his Licence.

9 & 10 W. 3. *Memorandum*, That on, &c. at, &c. A. B. came before me, and as well for himself as the Poor of the Parish of, &c. exhibited an Information on Oath against E. F. of, &c. That he the said E. F. not being the real Worker or Maker of any Goods, Wares, or Merchandizes within the Kingdom of England, &c. and not being the Apprentice or Servant of any real Worker or Maker of Goods, Wares or Merchandizes, on, &c. in the Parish of, &c. was found wandering abroad from House to House, and trading as a Hawker, Pedlar and Perry-Chapman, carrying about with him divers Parcels of Goods, viz. &c. And that in such wandering he the said E. F. did expose to Sale several Goods not being in any Market or Fair, without producing any Licence for the same, contrary to the Statute in that Case made. And the said E. F. after having been first summoned, in his own proper Person appearing before me, (and the Information being read to him and heard) he the said E. F. did confess before me the said Justice, that he did on, &c. sell, &c. as in the said Information mentioned. Whereupon it doth manifestly appear that he the said E. F. is guilty of the Offence laid to his

his Charge in the said Information, and I do hereby declare him convicted thereof, &c. In Witness, &c.

A Certificate of refusing to take the Oaths, being a Conviction of Recusancy.

We A. B. and C. D. Esqrs; two of his Majesty's Justices of the Peace for the County of, &c. Do hereby certify to the worshipful the Justices, &c. of the Court of Quarter-Sessions of the said County that E. F. G. H. &c. being on, &c. tender'd the Oaths of Allegiance, Supremacy and Abjuration by us, as the Law requires; or (being tendered the Oaths required by Law to be taken) they the said E. F. G. H. &c. did peremptorily refuse to take the same; whereby they are liable to the Penalties of Popish Recusants Convict. In Witness, &c.

A Conviction of profane Swearing, on Information upon Oath.

Memorandum, That on, &c. A. B. of, &c. made Information before me C. D. Esq; one of his Majesty's Justices, &c. that E. F. on, &c. did profanely swear ten Oaths, contrary to the Laws of this Land, and our most Holy Religion, whereby he has incurr'd the Penalty of 20 s. And the said E. F. being brought before me to make answer to the said Information given against him, but not being able to clear himself from the same. I do therefore hereby adjudge the said E. F. on the Oath of the said

D 4

A. B.

A New Appendix to

A. B. convicted of the Crime of profa Swearing; and that the Forfeiture afore- said ought to be levied. In Witness, &c.

A Conviction of Selling by False Weights and Measures.

11 H. 7.
23 Car. 2.

Memorandum, That A. B. on, &c. came before me C. D. Esq; &c. and then and there made Oath that E. F. on, &c. last past did sell three Bushels of Wheat in a Bushel or Measure, not being agreeable to the Standard in his Majesty's Exchequer, but less than the same, contrary to the Statutes. I do therefore adjudge him the said E. F. guilty of the said Offence, And hereby pronounce him convicted thereof as the Laws direct, Given, &c.

The

The Discretionary Power of Justices of the Peace.

AS the Discretionary Power of Justices of the Peace makes a good Part of their Business, I shall briefly treat of it under the following Heads.

A Justice of Peace, when an Affray is committed in his Presence, may commit the Offenders for any Time till Surety of the Peace is given; and where a Person is dangerously wounded, the Justice, may at any Time within a Year and a Day commit the Criminal to Prison.

3 Inst. 158.

Justices have a Discretionary Power to determine the Penalty, for selling of Ale in unlawful Measures, from 40 s. to 10 s. according to the Offence. 11 & 12 W. 3.

The Disability of Parents not able to maintain their Children, whereby such Children are to be placed out as poor Apprentices, is judg'd by the Discretion of the

the Justice, and the Overseers of the Poor
&c. Dalt. 103.

Arrest.

A Justice may at his Discretion issue his Warrant for the Arresting any Person whom he shall suspect to be inclinable to break the Peace. *Dalt. 409.*

Artificers.

Persons attempting to draw away Artificers out of the Kingdom, and Artificers contracting to go abroad, may be bound over by a Justice, either to the next Assizes or General Quarter Sessions. *1 Geo.*

Bail.

As to Bail by Justices, the Sum, &c. of Sureties is Discretionary in the Justice, where no certain Sum is appointed by Law. Persons suspected of Felony only may at the Discretion of a Justice be bail'd. *Dyer 177.*

Behaviour.

In Offences of a lower Degree against the Peace, Justices of Peace have a Discretionary Power to take the single Recognizance of the Person offending, if they think fit. *Dalt.*

Brewers.

The Penalties of Brewers relating to the Duty of Excise, may be mitigated to double the Value of the Duty, with Costs and Charges, by Justices at their Discretion. *10 & 11 W. 3.*

Coin.

Justices are to determine whether Money tendered in Payment be Counterfeit or not. *9 & 10 W. 3.*

Deer.

A Justice at Discretion may either grant or not grant his Warrant to search for Deer stoln, as for stoln Goods. *3 & 4 W. & M.* I have known it refus'd by a Justice, which makes it Discretionary; and there is a Difference

Difference between stealing of Game, and other Thefts.

Justices of Peace have a Discretionary Examination. Authority to detain in Prison a Person suspected of Felony, &c. not exceeding three Days, to examine the Prisoner and his Crime. *Cro Eliz.* 329.

In Offences of unlawful Fishing, Fish. a Justice may order the Penalty ; or take Bond of the Offender not to transgress for the future. 22 & 23 *Car.* 2.

When a Forcible Entry is found by En- Forcible En-quiry of a Jury, the Justices may discreti- try. onarily either put the Party in Possession themselves, or issue out a Precept to the Sheriff for that Purpose. And the same Justices, after a Precept awarded to the Sheriff to restore Possession, may grant a *Superfedeas* to stay Restitution, if they think fit. 8 *H.* 6.

Two Justices may require Sureties for Gamesters. the Good Behaviour of Gamesters, who have no visible Estates, &c. to maintain themselves ; or commit them to Prison. 10 *Ann.*

As to Gaols, where Imprisonment is di- Gaols. rected by any Statute, and no Time appointed for the Commitment of an Offender, it must be presently ; and if no Time is expressly limited for the Continuance in Custody, 'tis at the Discretion of the Court. 3 *Rep.* Criminals charged with small Offences, the Justices have Power to commit either to the House of Correction, or the Common Gaol. 6 *Geo.*

On

Hedge-breakers.

On Default of paying the Recompence, and Forfeiture to the Poor, order'd by a Justice for the Offence of Hedge-breaking, &c. the Justice may at his Discretion either send the Offender to the House of Correction, or cause him to be whipp'd.

15 Car. 2.

Highways.

Justices in their Special Sessions may order what Roads shall be first repaired; in what Time, &c. And they are to judge of Rates for Repairs, not exceeding 6 d. in the Pound. 3 & 4 W. & M. 1 Geo.

House of Correction.

A Justice hath a Discretionary Power to commit idle Persons to the House of Correction; but not to inflict a Punishment of Whipping till after Conviction. 1 Sid. 281.

Lamps.

The Distance between Lamps in the Streets of London must be approved by two Justices, who are to determine it at their Discretion. 2 W. & M.

Leather.

Two Justices may mitigate the Penalty of Tanners for diminishing the Duty on Hides, so as not to be less than the fourth Part, &c. 9 Ann.

Malt.

Malsters altering their Vessels for steeping of Barley, &c. for Malt, without giving Notice to the next Officer of Excise, or keeping any private Vessel for that Purpose, are liable to a Penalty of 50 l. But Justices of Peace have a Discretionary Power of Mitigation to double the Duty of Excise, and Costs and Charges in Prosecution. 13 & 14 W. 3.

Oaths.

Justices of Peace may at any time require Dissenters to take the Oaths, &c. And also Persons whom they shall suspect to be dis-
affected

affected to the Government. 7 & 8 W. 3.
1 Geo.

If Overseers of the Poor refuse to give Poor.
up their Accounts to two Justices of Peace;
or if they refuse to deliver the Balance of
Money in their Hands to their Successors,
they may be either committed, or the Ba-
lance may be levied by Distress, &c. 43
Eliz.

The Number and Sufficiency of Sureties Recogni-
and the Time bound, &c. in Recognizances,
is wholly left to the Discretion of the Ju-
stice, in all common Matters. Dalt.

Justices are to commit Rioters, and re- Riots.
cord what is done in their View, which
being a Conviction, they may fine the
Offenders; but it is the safest Way to cer-
tify the Record into B. R. that the Offen-
ders may be fined there; tho' this is Dis-
cretionary in the Justices. Lamb.

Single Persons under 30 Years of Age, Servants.
two Justices may compel them to go to
Service; and on their Refusal may at Dis-
cretion send them to the House of Correc-
tion, or bind them over to the Sessions, &c.
And one Justice may command such as he
shall judge fit, to work in the Time of Har-
vest. 5 Eliz.

One or more Justices may determine the Soldiers:
Penalty of Alehouse-keepers, &c. refusing
Soldiers Quartered on them, from 5 l. to
40 s. 7 Geo.

Vagrants before they are sent by Pass, Vagrants.
may be ordered by a Justice to be openly
whipp'd, or to be sent to the House of
Correction, and kept at hard Labour, at
the

the Discretion of such Justice. The Justice is to direct discretionarily how the Person is to be conveyed by Pals, to what Place, the Expence, &c. 12 Ann.

Warrants.

A Justice may direct his Warrant either to the Sheriff, Constable, or other Officer, or to any indifferent Person; but the Constable is the proper Officer, who ought to execute it. Bro. Faux Imp. 23.

Precedents.

Dalt. 409.

A Justices Discretionary Warrant to Arrest a Person suspected to break the Peace.

Whereas of late there have been great Disturbances committed in the Parish of, &c. in the County of, &c. by several disorderly Persons, to the Terror of his Majesty's Subjects, and against the Peace. And whereas I have just Reason to suspect that A. B. was a Promoter thereof, and that he is still inclined to break the Peace. These are therefore by Virtue of the Discretionary Power in me lodg'd by the Laws and Statutes of the Realm, to command you to arrest the said A. B. and bring him before me or some other Justice of the Peace for this County, to give Security for his Good Behaviour, &c. and this shall be your sufficient Warrant. Given, &c.

A Warrant to commit a Criminal in order to Examination.

Whereas a Felony hath been lately committed, and *A. B.* of your Parish being suspected thereof, has been this Day brought before me *C. D. Esq;* one of his Majesty's Justices, &c. to be Examined concerning the same, but he refusing to be examined as the Law requires, (or the Witnesses not being ready to prove the Crime against him). These are therefore in his Majesty's Name to command you to convey the said *A. B.* to the Gaol of, &c. and deliver him to the Keeper thereof. Heroby also requiring you the said Keeper the said *A. B.* to keep in your Custody for the Space of three Days, which I do adjudge necessary to finish his Examination. Given, &c.

A Warrant to mitigate the Penalty of Malsters concealing their Cisterns, &c. from the Officers of Excise.

Whereas *A. B.* of, &c. Malster, hath this Day been legally convicted before us of concealing a Cistern or Vessel for the steeping of Barley, with a large Quantity of Barley therein, contrary to the Statutes, whereby he is liable to the Penalty of 50 *l.* subject to Mitigation by us, so as the same be not reduced to less than double the Duty, and the Costs and Charges in Prosecution. We do therefore hereby mitigate the said Penalty of 50 *l.* to 10 *l.* being double

A New Appendix to

double the Duty, with Costs and Charges
as aforesaid, which we hereby order to be
paid and levied; and no more; for the
Offence aforesaid. Given, &c.

A Discretionary Warrant or Order to produce Sureties, &c. to enter into a Recognizance of the Peace.

Dalton.

Whereas *A. B.* hath been guilty of several Breaches of the Peace in the Parish of, &c. particularly of, &c. I do therefore hereby require you to warn the said *A. B.* to appear before me with two sufficient Persons, worth at least 100*l.* each, to be bound with him in a Recognizance in the Sum of, &c. Penalty for his Good Behaviour for the Space of one Year, All which I do adjudge by Virtue of the Discretionary Authority reposed in me as one of his Majesty's Justices of the Peace. Given, &c.

of Exotic
concerning their Affairs, &c. from the Officers
A Warrant to investigate the Penalties of Officers
of Exotic.

Some

Some

Some Extraordinary

LAW-CASES

CONCERNING

Justices of Peace.

IF a Man keep an Alehouse without Alehouses.

Licence, he may be Committed, but he is not Indictable: And there is a Difference between Suppressing an unlicenced and a licenced Alehouse. Where an Alehouse is licenced, the Justices, to suppress it, must either proceed upon the Recognizance, (the Condition whereof must at least be broken) or by Indictment; and then there must be such Disorders as prove a Nuisance: But where an Alehouse is unlicens'd, the Justices may suppress it at Discretion, when they think it is convenient, which may be done by Commitment of the Owner; and the Want of a Licence shall

E

only

only come in Question, and not any Reason why it was denied. 1 *Salk.* 45, 46. *Stephens versus Watson. Mich. 13. W. 3. B. R.*

Apprentices.

An Apprentice may gain a Settlement in a Parish, tho' the Master has none; for his Settlement does not depend on his Master, as that of a Wife on her Husband, but he gains a Settlement for himself within 14 *Car. 2.* by forty Days Inhabitation; and so of a hired Servant. *Hill. 4 Ann. B. R. Parish St. Bride's. 2 Salk. Rep. 533.*

Justices of Peace may Discharge an Apprentice, and also order a Restitution of the Money given with him: But this Power of discharging Apprentices extends only to such Trades as are named in the Statute. After the next Justice hath endeavoured to compose the Matter in Difference, the Apprentice, upon Appearance of the Master, is to be discharged by four Justices, by Order under their Hands and Seals. *Salk. 490. 470.* A Man served 7 Years as an Apprentice beyond Sea, but was not bound; it was adjudg'd sufficient to excuse him from the Penalties in 5 *Edw. 1 Salk. 67.*

Bastards.

A Bastard-Child is generally to be Settled where it is born: But if it be born in a Parish to which the Mother is removed by an Order that is illegal, it will gain no Settlement there. *Salk. 121. 532.*

On Motion to quash an Order of two Justices to remove a Woman and her Bastard-Child from *A.* to *B.* whereas it appeared in the Order, that the Child was born at *C.* By *Holt* Ch. Justice, The Bastard must be kept where born. *Trin. 11 W. 3. B. R. 2 Salk. 485.*

An Order of Bastardy under the Hands of more than two Justices, is good; (if one of them be of the *Quorum*) for the Statute is not restrictive to two, but there must be two at the least. *Salk. Rep. 477.* From an Order of Bastardy, the Appeal must be to the next Quarter-Sessions. *Salk. 482.* And Orders relating to Bastard-Children cannot be quash'd, except the reputed Father be present in Court. *2 Salk. 475.*

If the Sessions proceeds against a Father of a Bastard-Child, on the 18 *Eliz.* it has no Power to Commit him, but to proceed on his Recognizance: But if on the 3 *Car. 1.* the Sessions may make a Commitment, as the two Justices might have done; that is, unless the Party put in Security to perform the Order, or to appear at the next Sessions. &c. *Trin. 4 Ann. B. R. 1 Salk. 122.*

A Summons is necessary in all Summary Convictions, except the Party appears before the Justices without it: And upon Complaints made, the Justices ought to make a *Memorandum*, and issue a Summons; and if the Person against whom such Complaint is exhibited, will not appear, or cannot be found, the Justices may proceed. *Mod. Ca. 41. 1 Salk. Rep. 181.*

Infamy flows from the Nature of the Crime, and the Conviction thereof; and not from the Punishment of it. 2 *Salk.* 690.

Forcible Entry.

Upon a Conviction of Forcible Entry if a Fine be set, the Conviction cannot be quash'd upon Motion, for the Defendant must bring his Writ of Error; but it is otherwise if no Fine be set, because then it may be quash'd on Motion. 2 *Salk.* 450.

If an Inquisition of Forcible Entry be removed from before Justices into *B. R.* by *Certiorari*, there can be no Restitution, if the Defendant either Traverses the Force, or pleads three Years quiet Possession before the Force; for these are to be tried first. 1 *Ventr.* 265. 1 *Salk.* 260.

Expulsion and Disseisin must be expressly alledged, in Inquisitions and Indictments on Forcible Entries: But Tenants at Will are not within the Statute. *Poph.* 205. *F. N. B.* 248.

Highways.

Justices of Peace must particularly express what Days are appointed for working on the Highways; and not appoint six Days generally between such a Time and such a Time. On Indictment for not working towards the Reparation of the Highways according to the Statute, setting forth that six Days *inter* such a Time and such a Time were limited, and the Defendant did not work upon any of the Days; the Indictment was held naught, for the particular Days ought to be set forth. 1 *Salk.* Rep. 357. *Pasch.* 2 *Ann. B. R.*

Persons

Persons who are bound to repair the Pavements before their own Houses, at their own Costs, are also obliged to contribute to the Payment of the Scavenger's Rates: For as to their Paving before their own Doors, they have the principal Benefit of it; and that is no Reason to excuse them from Parochial Duties. *5 Mod. 68. 1 Salk. 356.*

Authority given to Justices of the Peace must be exactly pursued; and so it ought to appear in their Orders and Determinations. *Fares. 99. 2 Salk. 475.*

Justices of Peace.

Orders of Justices being Judicial Acts are not absolutely void in themselves, but voidable, and continue Orders till avoided: Adjudged in Case of Debt on a Bond, with Condition to perform the Order of Justices; the Defendant pretending it was a void Order, and that he was not bound to perform it. *2 Salk. Rep. 674.*

When a Statute gives a Penalty to be recovered before Justices of Peace, and prescribes no Method for it, it ought to be by Bill. *Micb. 2 Ann. B. R. Salk. 606.*

Justices of Peace have no Jurisdiction upon the Statute of Usury: And Indictment for Forgery lies not before Justices of Peace. *2 Salk. 680. 406.*

A Master who was Overseer of the Works in the Gardens at Hampton-Court retained two Persons at so much *per Diem*; they work'd there some Days, and an Order was made that the Master should pay them: *Per Cur'* The Statute extends only to Servants in Husbandry, not to Gentlemen

Masters and Servants.

mens Servants, nor to Journeymen with their Masters. 2 *Salk. Rep.* 442.

An Order was made by Justices of Peace for the Defendant to pay 40 s. for Wages generally. It was moved to quash it, because it was not said for what Wages; for they can only settle Wages in Husbandry: But *Per Cur.* Such Wages shall be intended, if the contrary does not appear. 2 *Salk.* 484.

If an Order be general, *viz.* to pay so much to two of a Man's Labourers, or two of his Servants, the Court will suppose them Servants in Husbandry. 2 *Salk.* 442.

Poor.

An unmarried Person hired for a Year, marrying before the Year is expired, cannot be removed by Order of Justices to the Place of his last legal Settlement; for the Justices cannot annul the Agreement between Master and Servant, unless it be upon Complaint of the Master: And such Person performing the Year's Service, gains a Settlement in the Parish where he d. 2 *Salk.* 527, 529.

A poor Person coming to a Parish by Certificate is not removeable on his being likely to become chargeable, until he is actually chargeable; and the Justices must adjudge him to be chargeable, or at least must say it appeared to them that he was so. *Trin. 2 Ann. B. R.* 2 *Salk.* 530.

Riots.

Both an unlawful Assembly, and an unlawful Act are necessary to make a Riot. If three or more assemble lawfully, without any evil Intention, and an Affray happens, none are guilty but such as act; but if the Assembly was originally unlawful, the

the Act of one is imputable to all. 2 *Keb.* 558.
6 *Mod.* 43. 141. 2 *Salk. Rep.* 594, 595.

Where several Persons are lawfully assembled, and quarreling the rest of them fall upon one of their own Company, this is no Riot; but if it be on a Stranger, 'tis a Riot, and the Moment the Quarrel begins, they begin to be an unlawful Assembly. 2 *Salk.* 595.

Appeal may be adjourned from one Sessions: Quarter Sessions to another: And a Sessions may adjourn from one Day to another, and so sit by Adjournment. 2 *Salk.* 607.

The Sessions may alter their own Orders the same Sessions: By a second Order, the first Order made in the same Sessions ceases to be a Record; but the first Order ought to be wholly set aside, and the second only to be entered up. And the Sessions as well as the Term is but one Day in Law. 6 *Mod.* 287.

The Sessions hath Power to affirm or quash, but not to supersede, or suspend an original Order of two Justices, relating to the Removal of a poor Person, &c. *Faref.* 10. 2 *Salk.* 472.

Of

Of Conservators of the Peace, and the Appointment of Justices, &c.

The several
Sorts of Con-
servators of
the Peace.

MR. *Hawkins* in his Treatise of the *Pleas of the Crown* tells us, That Conservators of the Peace, by the Common Law, were either by *Tenure*, by *Election*, or *Prescription*. Conservators of the Peace by *Tenure*, were those who held Lands of the King by the Service of being Conservators of the Peace within such a District. Conservators of the Peace by *Election* were those who were elected to such Office by the King's Writ, (as all Sheriffs anciently were, and Coroners still are) by the Freeholders of the County in the County-Court. Conservators of the Peace by *Prescription*, were those who claimed such Power from *Usage*, Time out of Mind, in themselves and their Predecessors or Ancestors, or those whose Estate they had in certain Lands; and the Extent of their Power wholly depended upon

on such Usage. *Hawk. P. C. 2 Part 33.*

Lamb. Lib. 1. c. 3.

Then there were extraordinary Conser- Extraordi-
vators of the Peace appointed in Times of nary Conser-
imminent Danger, either from Rebels or vators.

Foreign Invaders, to take Care of and de-
fend particular Districts committed to their
Charge, and to preserve the Peace within
their Limits; and these had Power to Their Power.
command the Sheriff with his whole *Posse*

to aid and assist them. *Lamb. Lib. 1. c. 3.*

But the Power of the ordinary Conserva-
tors was no greater than that of the Con-
stables at this Day; unless it were enlarged
by some special Grant or Prescription.

Dalt. 3.

In ancient Times these Conservators Justices of
were appointed; but since, Justices of Peace signed by
have been ordained by several Statutes. By Statutes.

1 Ed. 3. c. 16. Good and lawful Men, which
are no Maintainers of Evil, are to be af-
signed to keep the Peace. The 4 Ed. 3. c. 2.

is to the same Effect: And by 18 Ed. 3. c. 2.

Two or three of the best Reputation in
every County shall be assigned Keepers of

the Peace by the King's Commission: And

at what Time Need shall be, they, with

other wise and learned Men in the Law,

shall be assigned by the King's Commission

to hear and determine Felonies, and Tres-

passes done against the Peace, and to in-

flict Punishment according to Law.

The 34 Ed. 3. c. 1. enacts, That in every Their Power
County of England, shall be assigned for and Autho-
keeping of the Peace, one Lord; and with rity.

him three or four of the most worthy Men

in

To suppress
Riots, &c.

in the County; with some learned in the Law, and they shall have Power to restrain Offenders, Rioters, and all Barretors, and to pursue, arrest, take and chastise them according to their Trespas, or Offence; and to cause them to be Imprisoned and duly punish'd according to the Law and Customs of the Realm, and according to that which to them seem shall seem best to do by their Discretion and good Advise-ment: And also to take and arrest all those that they may find by Indictment, or by Suspicion, and to put them in Prison; and take of all them that are not of good Fame, sufficient Surety and Mainprise of their Good Behaviour towards the King and his People, and the other duly to punish, to the Intent that the People be not by such Rioters, &c. troubled nor endamaged, nor the Peace blemished; and that Merchants, and others, passing by the Highways of the Realm, be not disturbed, nor put in Peril.

They are to
be the most
sufficient
Persons, &c.

By 2 H. 5. c. 1. Justices of Peace are to be made in the Counties of *England*, of the most sufficient Persons dwelling in the same Counties, by the Advice of the Chancellor and of the King's Council, without taking other Persons dwelling in Foreign Counties to execute such Office, except the Lords and Justices of Assise to be named by the King and his Counsel, &c.

How com-
mission'd.

There are many other Statutes concern-
ing Justices of Peace, and their Appoint-
ment by Statute; but those I have mentio-
ned are the chief of the Laws relating to
them

Them and their Authority in general: And as to the Manner wherein Justices of the Peace are to be commissioned, in Pursuance of the several Statutes, it is observable that the same hath been often alter'd in several Reigns; but the Form of the Commission of the Peace, as settled by the Judges *Anno 33. Q. Elizabeth*, and which is the Form used at this Day, contains in Substance as followeth:

It assigns the Persons therein named jointly and severally the King's Justices, to keep the Peace in such a County; and to cause to be kept all Statutes made for the Good of the Peace and quiet Government of the People; to punish all those who shall offend against any of the said Statutes; and to cause all those to come before them, who shall threaten any of the People as to their Persons, or the burning of their Houses; in order to compel them to find Surety for the Peace or Good Behaviour; and if they shall refuse to find such Surety, to cause them to be safely kept in Prison till they shall find it: They and every two or more of them, are to enquire by the Oath of good and lawful Men of the same County, of all Felonies, Witchcrafts, Inchantments, Sorceries, unlawful Assemblies, Trespasses, Forestallers, Regrators, Ingrossers, and Extortions whatsoever, and all Offences of this Nature, of which Justices of the Peace may lawfully enquire: Also of all those who shall go or ride armed, &c. or in Companies, to the Disturbance of the Peace; and also of all Innholders, and others,

The Extent
of their
Commissions.

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chers, who shall offend in the Abuse of Weights or Measures, or selling of Victuals, &c. And also of all Sheriffs, Bailiffs, Stewards, Constables, Gaolers, and other Officers, who shall be faulty in the Execution of their Offices: They are to inspect all Indictments taken before them, or any of them, or other former Justices of the Peace for the same County, and to make and continue Process against all the Persons so indicted till they shall be taken, or render themselves, or be outlawed; and hear and determine all the Felonies, and other Offences aforesaid: Provided that if a Case of Difficulty shall arise, they shall not proceed to give Judgment, except in the Presence of some Justice of one of the Benches, or of the Assize, &c. 2 Hawk. P. C. 35.

Their Authority, when determined.

A Justice of Peace's Authority determines by the Death of the King, Discharge under the Great Seal, granting a new Commission, Accession to another Office, as where the Justice is made Sheriff, &c.



P I N I S.

